



Oregon

Kate Brown, Governor

Department of State Lands

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October 4, 2019

State Land Board

Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians (CTCLUSI)

ATTN: Chair Slyter and Tribal Council
1245 Fulton Avenue
Coos Bay, Oregon 97420

Kate Brown
Governor

Bev Clarno
Secretary of State

RE: Inviting Tribal Input and Consultation on State 404-Assumption under HB 2436 (2019)

Tobias Read
State Treasurer

Dear Chair Slyter and Tribal Council:

The Department of State Lands (DSL) is inviting your participation in our Partial 404-Assumption Stakeholder Working Group that will be meeting through the end of this year on October 8 and 25, November 6 and December 4 and 18. These meetings will continue into 2020 but there is no 2020 schedule established at this time. It is important to the Department to hear Tribal concerns and input, either through these meetings or through government-to-government consultation. I particularly want to apologize for the short notice. It only recently came to my attention that staff had failed to include the Tribes in our initial invitation list.

We have asked Ben Mundie, Reclamationist with Oregon Department of Geology and Mineral Industries, to reserve us a spot on the next LCIS Cultural Cluster meeting so we can present to Tribes the opportunity to consult individually with DSL on this project. We also want to make you aware of an opportunity for the Tribes to hear a presentation by Yvonne Vallette, EPA, on Partial 404-Assumption at the Fall 2019 OTEF Meeting, October 23-24, 2019, at the at the Sleep Inn, Kla-Mo-Ya Casino, 34333 Highway 97N, Chiloquin, OR, 97624. Her presentation is scheduled under "Wetlands" for 9:30-11:15am on Wednesday, October 23.

Project Background:

In the 2019 Regular Legislative Session HB 2436 was introduced and passed, and it may lead to the state being able to issue federal 404 permits for work in certain waters of the state and in assumable waters of the United States. The key elements of the bill are:

- DSL will prepare and submit a proposal, including recommendations, for legislation to be introduced during the 2020 regular session.
- Include provisions necessary for DSL to operate a 404 program only for:
 - ✓ Development activities—within Urban Growth Boundaries (UGB);
 - ✓ Mining and activities associated with mining; and
 - ✓ The creation and operation of mitigation banks.

- Collaborate with DOJ, DEQ, DLCD, ODFW, ODA, ODF, DOGAMI, NMFS, USFWS and EPA on the program elements.
- Recommendations, both in narrative form and the form of requested draft statutory language for the enactment of statutes or to amend Oregon Laws 2001, or any other statutes or Session laws to provide adequate legal authority for EPA to approve the partial assumption program.
- All other provisions DSL deems necessary to allow DSL to submit a complete application for partial assumption prior to the convening of the 2021 regular session (Feb-June 2021)

Your input will help us address any concerns you may have and will also strengthen both the cultural and natural resources components of the Partial 404-Assumption program. A schedule for the 2019 stakeholder meetings is attached.

If you have any questions, please contact our project manager, Eric Metz, Senior Policy & Legislative Analyst or Meliah Masiba, Senior Policy & Legislative Analyst.

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404 Assumption Web Link:

<https://www.oregon.gov/dsl/WW/Pages/404PermitAuthority.aspx>

Sincerely,



Vicki L. Walker

Director, Department of State Lands

Attachment: 2019 404-Assumption Stakeholder Meeting Schedule

cc: Steve Andringa, Forest Lands Manager
Jesse Beers, Cultural Resources Director

Department of State Lands
2019 404 Assumption Stakeholder Meeting Schedule
(The meetings are expected to continue in 2020; schedule not available)

10/8/2019	Oregon Association of Nurseries, Wilsonville
9:00a-noon	9751 Town Center Loop W, Wilsonville, OR 97070
10/25/2019	Department of State Lands, Salem (Lupine Room)
9:00a-noon	775 Summer St, NE Ste 100, Salem, OR 97301-1279
11/6/2019	Oregon Association of Nurseries, Wilsonville
9:00a-noon	9751 Town Center Loop W, Wilsonville, OR 97070
12/4/2019	Oregon Association of Nurseries, Wilsonville
9:00a-noon	9751 Town Center Loop W, Wilsonville, OR 97070
12/18/2019	Oregon Association of Nurseries, Wilsonville
9:00a-noon	9751 Town Center Loop W, Wilsonville, OR 97070